

## IN THE CLAIMS

RECEIVED  
CENTRAL FAX CENTER

MAR 12 2008

1-36. (canceled)

37. (previously presented) A system for intravertebral reduction, comprising:

a delivery instrument including an expandable element along a distal portion thereof;  
an expandable device including a cavity, the expandable device being removably mountable to the expandable element with the expandable element in the cavity and each of the expandable device and the expandable element in an unexpanded condition, the expandable device including a first portion and a second portion extending therealong, the first and second portions being movable away from one another upon expansion of the expandable element, wherein the expandable device is deliverable to an intravertebral space in the unexpanded condition and thereafter expandable with expansion of the expandable element to compress cancellous bone in the intravertebral space; and

bone filler material positioned in the cavity between the first and second portions.

38. (original) The system of claim 37, wherein the expandable element includes a balloon structure with an interior for receiving an expansion fluid.

39. (original) The system of claim 38, wherein the expansion fluid is selectable from the group consisting of: saline solution, compressed air, and radio-contrast fluid.

40. (original) The system of claim 38, wherein the delivery instrument includes a shaft defining a lumen in fluid communication with the interior of the expandable element.

---

RESPONSE TO NON-FINAL OFFICE ACTION

Application Ser. No. 10/717,693

Page 2 of 16

Atty. Docket 4002-3430

41. (cancelled)

42. (previously presented) The system of claim 37, wherein the first and second portions each define an outer surface with bone engagement members therealong.

43. (previously presented) The system of claim 37, wherein the first and second portions are uni-directionally movable away from one another upon expansion of the expandable element.

44. (previously presented) The system of claim 37, wherein in an expanded configuration the first and second portions include outer surfaces adjacent distal ends thereof separated by a first height and outer surfaces adjacent proximal ends thereof separated by a second height, one of the first and second heights being greater than the other of the first and second heights.

45. (original) The system of claim 44, wherein the expandable device is tapered between the first and second heights.

46. (original) The system of claim 44, wherein the expandable device includes a stepped configuration between the first and second heights.

47. (previously presented) The system of claim 37, wherein the first and second portions include bone growth openings therethrough.

---

RESPONSE TO NON-FINAL OFFICE ACTION  
Application Ser. No. 10/717,693  
Page 3 of 16  
Atty. Docket 4002-3430

48. (previously presented) The system of claim 37, wherein the first and second portions are substantially rigid and the expandable element is non-rigid.

49. (previously presented) The system of claim 37, wherein the first and second portions are structured to maintain an expanded configuration after removal of the expandable element from the cavity therebetween.

50. (cancelled)

51. (previously presented) The system of claim 37, wherein the bone filler material includes bone growth promoting material.

52. (original) The system of claim 37, wherein the cavity opens at a distal and at a proximal end of the expandable device.

53-54. (canceled)

55. (previously presented) A system for intravertebral reduction, comprising:

a delivery instrument including a non-rigid expandable element along a distal portion thereof;

an expandable device including a cavity between substantially rigid first and second portions, the expandable device being structure for positioning in an intravertebral space,

wherein the expandable element is expandable in the cavity to move the first and second portions away from one another and compress cancellous bone in the intravertebral space; and bone filler material positioned in the cavity between the first and second portions.

56. (original) The system of claim 55, wherein the first and second portions each define an outer surface with bone engagement members therealong.

57. (original) The system of claim 55, wherein the first and second portions remain movably engaged with one another during expansion of the expandable element.

58. (original) The system of claim 55, wherein in an expanded configuration the first and second portions include outer surfaces adjacent distal ends thereof separated by a first height and outer surfaces adjacent proximal ends thereof separated by a second height, one of the first and second heights being greater than the other of the first and second heights.

59. (original) The system of claim 58, wherein the expandable device is tapered between the first and second heights.

60. (original) The system of claim 58, wherein the expandable device includes a stepped configuration between the first and second heights.

61. (original) The system of claim 55, wherein the first and second portions include bone growth openings therethrough.

RESPONSE TO NON-FINAL OFFICE ACTION

Application Ser. No. 10/717,693

Page 5 of 16

Atty. Docket 4002-3430

62. (original) The system of claim 55, wherein the first and second portions are structured to maintain an expanded configuration after removal of the expandable element from the cavity therebetween.

63. (cancelled)

64. (original) The system of claim 55, wherein the expandable device is radially expandable.

65. (original) The system of claim 55, wherein the expandable device includes a width between opposite sides thereof, the width remaining substantially constant in the unexpanded and expanded conditions.

66-67. (canceled)

RESPONSE TO NON-FINAL OFFICE ACTION

Application Ser. No. 10/717,693

Page 6 of 16

Atty. Docket 4002-3430